

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

WILLIAM JAMES WALLACE, II,
Plaintiff,
v.
J. WHITE, et al.,
Defendants.

No. 1:20-cv-00844 JLT EPG (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
THAT JOHN DOE BE DISMISSED
WITHOUT PREJUDICE**

(Doc. 54)

On February 8, 2022, the magistrate judge issued Findings and Recommendations that Defendant John Doe be dismissed without prejudice. (Doc. 54.) The magistrate judge observed that despite the case pending since June 2020 and discovery being opened on the identity of “John Doe,” Plaintiff failed to identify the defendant or provide the Marshal with accurate and sufficient information to effect service. (*Id.* at 3.) The magistrate judge recommended the dismissal, without prejudice, due to Plaintiff’s failure to serve, failure to prosecute, and failure to obey the Court’s order to show cause. (*Id.* at 4-5.) The Court served the Findings and Recommendations on the parties, which contained notice that any objections thereto were to be filed within twenty-one days from the date of service. (*Id.* at 5.) In addition, the parties were advised that failure to timely file objections “may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) To date, no objections have been filed and the deadline to do so has passed.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de*
2 *novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the
3 Findings and Recommendations are supported by the record and by proper analysis. Accordingly,
4 the Court **ORDERS**:

- 5 1. The Findings and Recommendations dated February 8, 2022 (Doc. 54) are
6 **ADOPTED** in full; and
- 7 2. Defendant John Doe is **DISMISSED** from this action without prejudice.

8
9 IT IS SO ORDERED.

10 Dated: **March 22, 2022**


UNITED STATES DISTRICT JUDGE